

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

SHAKEEM ANTONIO BROXTON,

Petitioner,

v.

GEORGIA DEPARTMENT OF
CORRECTIONS, et al.

Respondents.

CIVIL ACTION NO.: 4:23-cv-21

ORDER

Before the Court is the Magistrate Judge’s May 4, 2023 Report and Recommendation, (doc. 12), to which no objections have been filed. After a careful de novo review, the Court agrees with the Magistrate Judge’s recommendation. The Court, therefore, **ADOPTS** the Report and Recommendation, (doc. 12), as its opinion and **DISMISSES without prejudice** Petitioner’s Petition for Writ of Habeas Corpus, (doc. 1), as unexhausted. To the extent that the Petition asserted “tort” claims seeking monetary damages, (see doc. 12 at 2-3), those claims are **DISMISSED**.

Applying the Certificate of Appealability (COA) standards, which are set forth in Brown v. United States, 2009 WL 307872 at * 1-2 (S.D. Ga. Feb. 9, 2009), the Court discerns no COA-worthy issues at this stage of the litigation, so no COA should issue. 28 U.S.C. § 2253(c)(1); see Alexander v. Johnson, 211 F.3d 895, 898 (5th Cir. 2000) (approving *sua sponte* denial of COA before movant filed a notice of appeal). And, as there are no non-frivolous issues to raise on

appeal, an appeal would not be taken in good faith. Thus, *in forma pauperis* status on appeal is likewise **DENIED**. 28 U.S.C. § 1915(a)(3). The Clerk is **DIRECTED** to **CLOSE** this case.

SO ORDERED, this 9th day of June, 2023.

A handwritten signature in blue ink, appearing to read "R. Stan Baker". The signature is fluid and cursive, with the first name "R" being large and prominent, followed by "Stan" and "Baker" in a more compact script.

R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA